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In re Application of	:	OFFICE OF PETITIONS
James W. Yonker et al	:	
Application No. 10/054,145	:	ON PETITION
Filed: January 22, 2002	:	
Attorney Docket No. J-3315	:	

This is a decision on the petition, filed March 3, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on August 25, 2003 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>**

The instant petition under 37 CFR 1.313(c)(2), the RCE and the IDS, filed on March 3, 2004, are not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Steven J. Wietrzny appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he act. However, if Mr. Wietrzny desires to receive correspondence regarding this file, the appropriate power of attorney documentation must be submitted. A courtesy copy

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

of this decision is being mailed to Mr. Wietrzny, the petitioner herein. Until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Telephone inquiries should be directed to the undersigned at (703) 305-8859.

The examiner of Technology Center Art Unit 1616 will consider the request for continued examination under 37 CFR 1.114 filed March 3, 2004.



Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc:

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